

Patti L. Henry  
District Clerk

Chambers County, Texas

CASE NO. 18-DCR-0152

STATE OF TEXAS

vs.

ZENA COLLINS STEPHENS

§ IN THE COUNTY OF

§

§

§

§

344TH JUDICIAL DISTRICT COURT

CHAMBERS COUNTY, TEXAS.

By: *Patricia Manning* Deputy

**DEFENDANT'S REQUEST FOR NOTICE OF STATE'S INTENTION TO USE  
EVIDENCE OF EXTRANEEOUS OFFENSES AT TRIAL**

**TO THE PROSECUTOR OF SAID COURT:**

COMES NOW the Defendant, ZENA COLLINS STEPHENS, by and through Counsel and pursuant to the Texas Rules of Evidence and the Texas Code of Criminal Procedure requests the attorney for the State of Texas to give, in proper form, to Defendant timely notice of the proposed use of evidence, specifically:

**RULE 404(b)(2)**

Pursuant to Texas Rules of Evidence 404(b)(2), notice, by the State of its intent to introduce evidence in its case in chief of any other crimes, wrongs, or acts allegedly committed by Defendant, other than those alleged in the Indictment or Information in this cause. Such notice to include for each incident all discovery required to be produced by the State in this Court's discovery orders entered in this cause.

**RULE 609**

Pursuant to Texas Rules of Evidence 609(f), notice of intent to use evidence of any prior conviction for the purpose of attacking the credibility of the following witnesses:

**RULES 803, 804, AND 902**

Prior written notice, with complete copies, of any records, documents, reports or other evidence which the State intends to introduce into evidence pursuant to any provision of Texas Rules of Evidence 803, 804, or 902 so that he may have a reasonable opportunity to investigate whether the preparation or

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sources of the information, or any other circumstances concerning the proposed evidence indicate a lack of trustworthiness.

#### **ARTICLE 37.07**

Pursuant to Article 37.07(g), of the Code of Criminal Procedure written reasonable notice of intent to introduce evidence of extraneous crimes or bad acts as provided for in Article 37.07(3)(a) of the Code of Criminal Procedure.

#### **ARTICLE 38.37**

**ZENA COLLINS STEPHENS**, moves the Court to order the attorney for the State of Texas to give notice of the State's intent to use any items pursuant to Article 38.37 of the Texas Code of Criminal Procedure, not later than the 30th day before the date of Defendant's trial, that constitute evidence of any extraneous crimes, wrongs or acts, or an attempt or conspiracy to commit a such crime, wrongs or acts, which may apply to this cause by reason of any offense charged against Defendant listed below:

Chapter 21 (Sexual Offenses)

Chapter 22 (Assaultive Offenses)

Section 25.02 (Prohibited Sexual Conduct)

Section 43.25 (Sexual Performance by a Child)

Section 20A.02(a)(7) or (8) (Trafficking of Persons)

Section 43.05(a)(2) (Compelling Prostitution)

Section 33.021 (Online Solicitation of a Minor)

Section 43.26 (Possession or Promotion of Child Pornography)

The requested notice and opportunity to investigate the proposed evidence is an essential part of Defendant's right to a fair trial, effective representation by counsel, and constitutional due process pursuant to provisions of Article I, Sections 10 and 19 of the Constitution of the State of Texas, and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution.

**WHEREFORE, PREMISES CONSIDERED**, Defendant requests that the Attorney for the State

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of Texas provide the defendant with notices of intent to introduce evidence as specified in this request.

Respectfully submitted

/S/Russell Wilson II

Russell Wilson II

State Bar No. 00794870

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ATTORNEY FOR DEFENDANT

DEFENDANT: ZENA COLLINS STEPHENS

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of a foregoing pleading has been served on the District Attorney's Office, CHAMBERS COUNTY, TEXAS , in accordance with applicable rules of procedure, on Friday, October 26, 2018.

/S/Russell Wilson II

Russell Wilson II